

April 14, 2020

Peter E. Brill

David Gray

Mitchell Hirsch\*

Rita Bonicelli\*

Matthew Haicken\*

James Moschella\*

\*Of Counsel

**Via ECF**

Hon. P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Juan Antonio Hernandez Alvarado*  
15 Cr. 379**

Dear Judge Castel:

I have been provisionally assigned by the Court to represent Mr. Hernandez. I write to inform the Court of the attempts both I and outgoing counsel from Milbank have made to communicate with our client.

Mr. Hernandez and I have been corresponding by email, to a limited extent, which is made more difficult because I have to translate from Spanish to English and vice versa when I reply. I have also had some contact with family and friends, though that communication is obviously not privileged.

Ms. Apps and Mr. Prussien from Milbank have made multiple requests for phone and video conferences with Mr. Hernandez, and we have corresponded with the government about facilitating a call. After numerous requests, the video conference was denied by the MCC. Unfortunately, despite multiple attempts to schedule a phone call and numerous messages left with the facility, we have not received a response. This has been going on for weeks. Even if a call were scheduled, I would also have to conference in my assistant to translate, or somehow secure the assistance of a court interpreter.

Based on my emails with Mr. Hernandez, he appears to understand the situation. However, translated emails do not allow for a formal discussion of what substitution and conflict mean. The emails are also not privileged communications, so I don't feel entirely comfortable having meaningful conversations over Corrlinks.

As such, Mr. Hernandez has not formally agreed to waive his appearance. Neither outgoing counsel nor I believe that it is appropriate to waive Mr. Hernandez's appearance without at least a conversation with a qualified interpreter, especially in a matter of this importance.

We will await further guidance from the Court either prior to or during our phone conference tomorrow.

Respectfully submitted,



Peter E. Brill